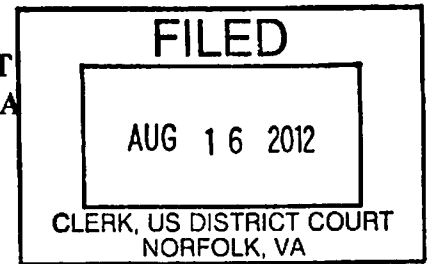


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**



**DAVID LEE DERRICKSON,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:11cv508**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**Defendant.**

**ORDER**

Before the Court is Plaintiff's action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") that denied his claim for a period of disability insurance benefits under Title II of the Social Security Act. On November 18, 2011, this matter was referred to Honorable United States Magistrate Judge Tommy E. Miller ("Magistrate Judge Miller") pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure for a report and recommendation.

On June 29, 2012, Magistrate Judge Miller filed his report recommending that the decision of the Commissioner be VACATED and the case be REMANDED for further administrative proceedings. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within 14 days from the date of the mailing of the report. The Court has received no objections to the

report and the time for filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report and recommendations of Magistrate Judge Miller.


Accordingly, it is **ORDERED** that Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Remand is **GRANTED** to the extent it seeks remand of the Commissioner's decision and **DENIED** to the extent it seeks reversal and an entry of an order directing the award of benefits.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment is **DENIED** and that the final decision of the Commissioner is **VACATED** and **REMANDED** for further proceedings consistent with the Magistrate Judge's Report and Recommendation.

The Clerk shall mail a copy of this final Order to counsel for both parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
August /6 , 2012

  
\_\_\_\_\_  
Raymond A. Jackson  
United States District Judge